

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

Jack Shepard,

Complainant,
vs.

Teresa Collett and
the Collett
for Congress
Committee,

Respondents

**ORDER
ON APPLICATION
TO PROCEED
IN FORMA
PAUPERIS**

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The above-entitled matter came on before Administrative Law Judge Steve M. Mihalchick, on the Complainant's motion to proceed *in forma pauperis* in the Court of Appeals in accordance with Minnesota Rules of Civil Appellate Procedure 109.02.

Jack Shepard (Complainant/ Appellant), represented himself. No other person submitted information or argument concerning Mr. Shepard's petition to proceed *in forma pauperis*.

Based upon the written submissions and the record in this matter, the Administrative Law Judge (ALJ) makes the following:

FINDINGS OF FACT

1. Jack Shepard filed an affidavit for proceeding *in forma pauperis* on August 20, 2010. According to his affidavit, Mr. Shepard has a family size of 3 members and an annual income is \$13,463. He estimates his debts to be \$25,000.

2. The 2010 federal poverty guideline for three persons is \$18,310. The Minnesota poverty guideline applicable to proceedings *in forma pauperis* (125 percent of the federal poverty guideline) is \$22,888.

3. By Order dated August 31, 2010, the undersigned Administrative Law Judge denied the Respondents' request that the Complaint in this matter be

found to be frivolous because the Complaint was supported by good faith argument and had a sufficient basis in law to survive initial *prima facie* review.¹

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS OF LAW

1. Mr. Shepard's income meets the criterion for proceeding *in forma pauperis* status.

2. Mr. Shepard's appeal is not of a frivolous nature.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Administrative Law Judge makes the following:

ORDER

Based upon all of the records, files, and proceedings herein, IT IS HEREBY ORDERED that Mr. Shepard's application to proceed *in forma pauperis* is GRANTED.

Dated this 21st day of September, 2010

/s/ Steve M. Mihalchick

STEVE M. MIHALCHICK
Administrative Law Judge

¹ *Shepard v. Collett et al*, OAH No. 48-0320-21516-CV, Order of Dismissal at 6 (August 31, 2010).